

# Minneapolis Charter Commission Minutes

November 4, 2009 - 4:00 p.m.

Room 317 City Hall, Minneapolis, Minnesota

Commissioners Present: Bernstein (Chair), Bujold, Connell, Dolan, Ferrara, Kadwell, Lazarus, Lichty, Metge, Remme, Stade, Street

Commissioners Excused: Jancik, Rubenstein

Commissioner Absent: Clegg

## 1. Roll Call

Chair Bernstein called the meeting to order at 4:05 p.m. Roll call was taken.

## 2. Adopt Agenda

*Lazarus moved adoption of the agenda. Seconded.*

Adopted upon a voice vote.

Absent - Clegg, Jancik, Rubenstein.

## 3. Approve minutes of regular meeting of October 7, 2009

*Dolan moved approval of the minutes of the meeting of October 7, 2009. Seconded.*

Adopted upon a voice vote.

Absent - Clegg, Jancik, Rubenstein.

## New Business

*Referred by City Council 10/30/2009:*

### 4. Charter Amendment:

**Consider referral from City Council to amend, by ordinance, Chapter 3, Section 4 of the Minneapolis City Charter relating to *Powers and Duties of Officers: Executive Committee*, to include the position of the Director of Regulatory Services and Emergency Preparedness in the appointment process outlined in Chapter 3, Section 4, and make recommendation to City Council.**

Steven Bosacker, City Coordinator, summarized the proposed ordinance amendment. Also present were Council President Barbara Johnson, and Directors and staff from the Department of Regulatory Services: Burt Osborne, Henry Reimer, and Noah Schuchman.

The proposed Charter amendment would essentially switch the appointment and the oversight of the Director of Regulatory Services from the City Coordinator and the Coordinator Department to the Mayor/Executive Committee/Council process. Mr. Bosacker displayed a chart showing the current reporting lines for city departments. The residents of the City sit at the top of the chart and elect the Council and the Mayor. The function of the majority of charter departments is to serve the enterprise of the city in finance issues, personnel and human resource issues, intergovernmental relations issues, etc. The Director of Regulatory Services largely reports to the Public Safety and Regulatory Services (PS&RS) Committee. This department performs licensing, permitting, development review, etc., directly with residents of the city. The proposed Charter amendment has been

discussed for a couple of years, and it was decided that the change should be put in place before a new year began and the City began new planning cycles. The proposed change will provide a better structure, not only for keeping the City Coordinator operation true to what the lion's share of its work really is, but also in terms of accountability to residents. The proposal would create no change in the function or the authority of the Regulatory Services Department. There will be no change in compensation. The proposed change is not related to any previous charter change suggestion.

Metge inquired if there were any cost projections associated with the proposal.

Bosacker stated that the proposed amendment would result in no changes in costs.

Ferrara inquired if Mr. Bosacker was aware of the proposed amendments brought forward by Council Member Ostrow, which included discussion of a city administrator/manager position, and if this proposal related to the proposed Ostrow amendments in any way.

Bosacker stated that while he had monitored the conversation regarding the proposed Ostrow amendments, this piece was not a piece of what he had seen as part of that conversation and had not been before the Charter Commission in the past.

Ferrara requested further explanation regarding Regulatory Services' current placement on the chart in terms of the reporting line. He also requested further information relating to the Executive Committee.

Bosacker stated that the chart the Commissioners had received in their packet was actually a depiction of what the new appointment reporting relationships would look like. The large chart he displayed showed that the Regulatory Services Department is currently one of nine departments under the City Coordinator. That department would move to the other column to be overseen by the Executive Committee in terms of the appointment and by the Council Committees in terms of its work.

Lichty stated that he assumed that someone, somewhere, would have some objection to the proposal and asked what that objection would be and Mr. Bosacker's response to that objection.

Bosacker stated that he hadn't found an objection yet. This idea came up not just from his experience in the last four years as City Coordinator. Council Members over the years have questioned why the Regulatory Services Department was underneath the Coordinator Department, and he didn't have a good answer. It was the system he inherited and made work.

Bernstein inquired if there would be any change in the quality or the quantity of services available to the residents of the city as a result of the proposed change.

Bosacker stated that he could foresee no change whatsoever. In some respects it may be enhanced or stronger by removing the layer of the City Coordinator from between the Department of Regulatory Services and the Council.

Metge stated that she remembered that after the Biernat incident, an inside audit was performed and there was a stipulation to keep the Department of Regulatory Services at

arms length from the City Council. This proposed amendment moves it back. She recalled sitting in on conversations with former Assistant City Coordinator John Bergquist and former Director of Inspections Merwyn Larson, and there was a lot of opposition for this. She inquired how those concerns had been addressed, and if that was an issue or not.

Bosacker stated that appointments made by the Executive Committee are incredibly lengthy, public, and transparent. The public is given the opportunity to raise any concerns regarding a proposed appointment through the public hearing process. While he, as City Coordinator, felt he provided similar transparency to the hires that he's made, in some respects it's not as transparent because of the prescribed processes that are necessary. To protect it from the politics that might occur, to put it at "arms length", as stated by Commissioner Metge, he believed that there was enough transparency in the city for that to always be checked. The department reports are largely to the PS&RS Committee. Conversations about program changes are discussed very publicly. He didn't feel that he could subscribe to a theory that having a City Coordinator in the middle of that process would necessarily stop what is an inherently political process.

Council President Barbara Johnson felt there was more of an ability for the public to see what is going on in a department if the Director is responsible to the public through the Council. She saw the proposed change as a real improvement. The Director of Regulatory Services is in front of the PS&RS Committee all the time because the department provides a high profile service for city residents.

Connell inquired as to the duties of the Director of Regulatory Services and the department in general.

Burt Osborne, Regulatory Services, stated that the department has approximately 10 or 12 different business lines including animal control; business licensing; environmental, building, rental license, and housing inspections; and Minneapolis Development Review.

Ferrara noted that his heating and air conditioning business is directly regulated by the Department of Regulatory Services. He is always suspicious of how Charter amendments come to the Commission. He felt Commissioner Metge's concern was a good one. Citizens and business owners like to think they get a fair shake at every issue, but sometimes regulated businesses feel they are being treated unfairly or are overly regulated; and then some think they are under-regulated. He has always felt that if a City Coordinator oversaw the department, there would not be the teeter tottering of who someone's constituents are in delivering services. His perception was that currently there is a professional that a business owner can go to and make a case rather than go through a Council Committee. He felt it might be a conflict of interest for him to vote on this issue because he had such a direct relationship with the Regulatory Services Department.

Johnson stated that the person that a business owner would deal with would be the Director of Regulatory Services, providing a more direct contact.

*Lazarus moved that the Charter Commission recommend passage, by an affirmative vote of all thirteen Council Members, of an ordinance amending Chapter 3, Section 4 of the Minneapolis City Charter relating to Powers and Duties of Officers: Executive Committee, to include the position of Director of Regulatory Services and Emergency Preparedness in the appointment process outlined in Chapter 3, Section 4. Seconded.*

Johnson stated that the action that had been referred to the Charter Commission used the title "Director of Regulatory Services and Emergency Preparedness". However, she requested that the Emergency Preparedness portion be deleted from the proposed amendment. The Emergency Preparedness function of this position is tied to the person in the position right now. In the future, Emergency Preparedness may be assigned to another department.

*Bernstein moved that the proposal be amended to delete the phrase "and Emergency Preparedness" from the newly added ordinance language and from the ordinance title. Seconded.*

Adopted upon a voice vote.

Absent - Clegg, Jancik, Rubenstein.

Metge stated for the record that she would be voting against the motion on the issue of process. She felt there should have been written information available and posted on the web in advance. She disagreed with Mr. Bosacker's statement that there was not a lot of controversy surrounding this amendment. She had heard a lot of controversy about it in the last few days, mainly because there was no information available. Working in neighborhood revitalization as she does, there is concern out there about whether this creates a fiefdom and changes the city structure. There is also a philosophical debate that Regulatory Services should serve the community and work to help people.

*The Lazarus motion that the Charter Commission recommend passage, by an affirmative vote of all thirteen Council Members, of an ordinance amending Chapter 3, Section 4 of the Minneapolis City Charter relating to Powers and Duties of Officers: Executive Committee, as amended, was adopted. Yeas, 8; Nays, 3 as follows:*

Yeas - Bujold, Connell, Kadwell, Lazarus, Lichty, Remme, Street, Bernstein.

Nays - Dolan, Metge, Stade.

Absent - Clegg, Jancik, Rubenstein.

Declining to vote - Ferrara.

*Lichty moved to adjourn. Seconded.*

Adopted upon a voice vote.

Absent - Clegg, Jancik, Rubenstein.

The meeting was adjourned at 4:35 p.m.

Peggy Menshek  
Council Committee Coordinator